

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-10917 PBS

THE HIPSAVER COMPANY, INC.,  
Plaintiff / Counterclaim Defendant,

V

**J.T. POSEY COMPANY,**  
**Defendant / Counterclaim Plaintiff.**

**HIPSAVER'S ASSENTED-TO MOTION TO FILE UNDER SEAL  
EXHIBIT A TO HIPSAVER'S MEMORANDUM  
IN SUPPORT OF ITS MOTION TO STRIKE MR. HOFFMAN'S REPORT AND  
TESTIMONY CONTAINING CONCLUSIONS OF LAW AND SUBJECT MATTER  
OUTSIDE THE SCOPE OF HIS QUALIFICATIONS**

Pursuant to Local Rule 7.2 and paragraphs 2.4 and 10 of the parties' Protective Order [D.N. 48], HipSaver moves for an order granting leave to file under seal Exhibit A to HipSaver's Memorandum in Support of its Motion to Strike Mr. Hoffman's Report and Testimony Containing Conclusions of Law and Subject Matter Outside the Scope of His Expert Qualifications, filed concurrently by hand.

As grounds for the motion, HipSaver states that Exhibit A contains Mr. Hoffman's rebuttal expert report, designated by Defendant J.T. Posey as HIGHLY CONFIDENTIAL, ATTORNEY EYES ONLY.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1 and 37.1

I hereby certify that on October 24, 2006, counsel for the parties conferred by telephone and that counsel for J.T. Posey assented to this motion.

THE HIPSAVER COMPANY, INC.  
By its Attorneys,

/s/ Courtney M. Quish  
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Dated: October 25, 2006

**CERTIFICATE OF SERVICE**

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish

October 25, 2006